After Recess

SEVENTH DAY
(Continued)

(Friday, November 29, 1957)

The Senate met at 3:00 o'clock p.m., and was called to order by Senator Moffett.

The Presiding Officer announced that in the spirit of the Thanksgiving season, the Reverend W. H. Townsend, Chaplain, would offer the invocation.

The Reverend W. H. Townsend then offered a prayer of Thanksgiving.

Senate Resolution 48

Senator Colson by unanimous consent offered the following resolution:

Whereas, Mr. Charles A. Schnabel, Jr. is the very able and affable Secretary of the Senate; and

Whereas, He and his charming wife, Nadine, are the proud parents of an adorable five pound four ounce baby boy born on Thanksgiving Day, November 28, 1957; and

Whereas, The members of the Senate desire to proclaim their love and admiration for the first-born child of this popular and respected young couple; now, therefore, be it

Resolved, That the Senate of Texas of the 55th Legislature extend its congratulations to Mr. and Mrs. Schnabel for their fine young son; and, be it further

Resolved, That official copies of this resolution be mailed to his parents; his maternal grandparents, Mr. and Mrs. A. R. Lawrence; and his paternal grandparents, Mr. and Mrs. Charles A. Schnabel, Sr.; and, be it further

Resolved, That an additional copy be presented to this distinguished new citizen of Texas with our best wishes for happiness, success and good health through his entire lifetime.

COLSON

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Herring and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Recess

On motion of Senator Herring the Senate at 3:18 o'clock p.m. took recess until 2:00 o'clock p.m. on Monday, December 2, 1957.

Record of Vote

Senator Rogers asked to be recorded as voting "Nay" on the motion to recess.

After Recess

SEVENTH DAY
(Continued)

(Monday, December 2, 1957)

The Senate met at 2:00 o'clock p.m., and was called to order by the President.

Leaves of Absence

Senator Smith was granted leave of absence for today on account of important business on motion of Senator Phillips.

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Aikin..

Senator Herring was granted leave of absence for today on account of important business on motion of Senator Krueger.

Reports of Standing Committee

Senator Lane by unanimous consent submitted the following reports:

Austin, Texas,
December 2, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 5, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
December 2, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 22, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senate Resolution 49

Senator Krueger by unanimous consent offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Jane Edwards of Georgetown, who is a reporter for the Pan American Student Forum; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and that she be extended the official welcome of the Senate.

HERRING
KRUEGER

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented Miss Edwards to the Members of the Senate.

Motion to Suspend Senate Rule 38

Senator Lane asked unanimous consent to suspend Senate Rule 38 relating to printing of bills and printed bills on the desks of Members for twenty-four hours.

There was objection.

Senator Lane then moved to suspend Senate Rule 38 relating to printing of bills and printed bills on the desks of Members for twenty-four hours.

The motion to suspend was lost by the following vote:

Yeas—18

Aikin	Krueger
Bracewell	Lane
Colson	Lock
Fly	Martin
Hardeman	Moffett
Hazlewood	Moore
Parkhouse	Roberts
Phillips	Weinert
Ratliff	Wood

Nays—10

Ashley	Kazen
Bradshaw	Reagan
Fuller	Rogers
Gonzalez	Secrest
Hudson	Willis

Absent—Excused

Herring	Smith
Owen	

Remarks of Senator Hardeman Ordered Printed in the Journal

Senator Aikin asked unanimous consent that the remarks of Senator Hardeman made on last Tuesday, November 26, 1957, regarding the Tidelands Suit recently instituted by the Attorney General of the United States be revised and reduced to writing and placed in the Senate Journal.

There was no objection offered.

Remarks of Senator Hardeman Regarding Tidelands Suit

Mr. President and Members of the Senate:

A rather significant matter impels me to trespass upon the time of the Senate for a brief spell this morning. It is of great importance to all Texans, be they native-born or adopted sons, into which latter class I fall. My zeal in the defense of my adopted State, and the love I have for her, is exceeded by no one within her far-flung borders. I yield to no man in my desire and determination to serve her best interests under all conditions.

I rise to speak to the provisions of HCR No. 15, reportedly drafted, and urged of adoption, by the Governor, and sponsored in the Senate by his recognized floor leader, the able and distinguished Senator from Hill, Senator Martin. I address myself, with neither rancor nor bitterness, to an objective discussion of the resolution because of some paragraphs thereof, which I do not think correctly portray the facts. I called these "departures" from the record to the able Senator's attention in the committee hearing, hence, this discussion likely comes as no surprise. In fact, I thought the Senator from Hill intended offering an amendment eliminating the objection-

able language but, in such absence, I shall do so at the conclusion of my remarks. The object of the amendment will unfold as the discussion progresses, I hope.

Further, I should like to emphasize that what I may have to say is not intended by me, nor should it be so considered by anyone else, as a personal criticism of the Governor, merely because it will entail references to him in connection with his long and determined efforts in behalf of Texas' claim to the Tidelands. I appreciate his devotion and dedication to the cause, and have never once questioned his sincerity, and I do not do so now.

The thing that appalls me, though, is why the Tidelands issue is again arising to plague us when, since May 22, 1953, Texans—and I read from the Resolution itself—"have understood, assumed and believed that the administration of President Eisenhower and the Congress in 1953 had carried out the dramatic and resolute defense of the solemn rights of Texas in the tidelands." Thus completes the quotation. I subscribed to that assurance, along with millions of others who had supported the efforts of then Attorney General Daniel, later United States Senator Daniel, but the revelations in his address to the Joint Session of this Legislature on November 20, 1957, described by a leading daily as "historic," convey some contrary ideas. It is an historical address and I commend it for study and reflection, whether you were privileged to hear it or not. I have done so, with great interest, having been intrigued by some of the statements therein, when speculating on what possible basis or theory suit was instituted on November 7, last, by the Attorney General of the United States, Mr. Brownell, to rob us of our Tidelands just prior to his retirement from that office and, for which retirement, I join with Governor Daniel in saying that "I for one am glad he is gone."

In this connection, may I digress to say that I don't think this country has ever been debauched by a more conniving, scheming, flanneled-mouth politician, than by the "hand-maiden" of Dewey, picked to be legal adviser to an honest and sincere, but inexperienced, President, in governmental affairs and political intrigue. Neither do I feel constrained to place implicit faith in the motives and designs of his successor, although I do concede that Mr. Rogers is far more learned in the law and, doubtless, if well-removed from the sinister influences of the "fine Italian hands" of Brownell, Adams, Hagerty and Richard (My Boy) Nixon, might render real service to the country.

I, too, "wonder," with Governor Daniel, as to "who is running the show in Washington." (House Journal, November 20, 1957). According to the Governor's "historic" address, and I subscribe to such description, either Brownell and Company are running it or the President is talking out of both sides of his mouth. I say this with no disrespect, but interject such observation in view of the "assurances" of Mr. Eisenhower that Texas' boundary extends to the 10½ mile, or three-league, limit, as reported by Governor Daniel. (If my memory serves me, President Eisenhower also gave "assurance" that there would be no troops used in integration matters.) From Governor Daniel's address I have tried to conclude that the President is on our side, but that he is powerless to direct or control his political appointees—in other words—confirming my long-entertained view that he is a "captive President." A far cry from a Jackson, a Cleveland, or even a Truman, when it comes to asserting the rightful prerogatives of the office of President, with dispatch, if not dignity.

Just here let me disavow any responsibility for the election of General Eisenhower or the travesty of Brownell, et al. I recall that Attorney General Daniel, as the nominee of the Democrat Party for the United States Senate in 1952, espoused the successful candidacy of General Eisenhower in Texas and, as a member of the United States Senate, voted for the confirmation of Herbert Brownell, Jr., as Attorney General of the United States, under President Eisenhower. He also voted for the confirmation of Earl Warren, as Chief Justice of the Supreme Court, as well as for Mr. Harlan, a member of the Atlantic Union group of international do-gooders, to be a Justice. (This shouldn't harm us in the pending suit.)

I recall the bitterness of the campaign in Texas, when former Governor Shivers, with the able assistance of United States Senator-nominate Daniel, led Texas into the camp of the "enemy" following his (Shivers') tragic rebuff by the ill-advised and misinformed Presidential nominee of the Democrat Party—former Gover-

nor Stevenson of Illinois—who, apparently, felt obligated to the policy of Mr. Truman on the Tidelands controversy. I add, that while I was disappointed in the nomination of Mr. Stevenson, and decried many of his views, nevertheless, I supported all the nominees of the Democrat Party, including Governor Shivers and Senator Daniel, because I think, on the whole, the Democrat Party has rendered greater service in the field of human rights than has its Republican counterpart which, throughout its century of sordid misconduct, has exploited human rights for property rights. Each component—humanity and property—has its place, but the one should not be prostituted to the detriment or disadvantage of the other.

But I seem to have drifted—the result of speaking without a prepared manuscript or even from sketchy notes.

Let us examine just what we have received after the expenditure of approximately $300,000 of taxpayers' money and what may be expected with the expenditure of an additional $100,000, of the same taxpayers' money, which I learned from the Governor's letter dated today, November 26, 1957, addressed to the distinguished Senator from Victoria—distributed only a few minutes ago by the Secretary of State—has been "committed for the employment of experts in international law and other expenses in connection with the tidelands boundary controversy."

Here may I point out that various organizations, particularly the Texas State Teachers Association, because of its recognized interest in the school children of this State, contributed many thousands of dollars, from their inadequate salaries, "to save the tidelands for the children of Texas," as stated by one of those patriotic teachers. The Texas State Teachers Association hired, at its own expense, a full-time representative to help the State in its battle to keep the tidelands. The Teachers Association also published, and distributed, at great expense, the Petition for Rehearing in the case of the United States v. State of Texas, 339 U. S. 707, filed July 19, 1950, signed by "Price Daniel, Attorney General of Texas," together with 10 assistant attorneys general, and with such eminent and distinguished jurists as Dean Roscoe Pound, long-time Dean of Harvard Law School, Mr. Joseph Walter Bingham, Professor of International Law at Stanford University, Judge Manley O. Hudson, Judge of the Permanent Court of International Justice at The Hague, and former Bemis Professor of International Law at Harvard University, and Honorable Charles Cheney Hyde, Former Solicitor of the Department of State under Secretaries Charles Evans Hughes and Frank B. Kellogg, Professor of International Law and Diplomacy at Columbia University, distinguished author of three volumes on "International Law Chiefly as Interpreted and Applied by the United States," and former President of the American Society of International Law, being "Of Counsel" on the aforesaid Petition for Rehearing.

Attached to the Petition for Rehearing, which the Teachers Association distributed, is to be found a "Joint Memorandum," presented to the Supreme Court of the United States, prepared and signed by the aforesaid distinguished and learned Professors, Deans, authors and jurists, together with Honorable C. John Colombos, King's Counsel, Rapporteur, International Law Association's Committee on Neutrality—"Rapporteur," as I understand, is the official designated to draw up the report of a commission or group—it would be comparable to the sub-committee system of our Senate Committees in which capacity I have been the "rapporteur" on more than one occasion; Honorable Gilbert Gidel of France, President of the Curatorium of the Academy of International Law at The Hague and Member of the Institute of International Law; Honorable Hans Kelsen, Legal Adviser to the Austrian Government, draftsman of the Federal Constitution of Austria and member of the Constitutional Court of Austria; Honorable William E. Masterson, Department of State Consultant under Secretaries Hull, Byrnes and Marshall, adviser on research in International Law at Harvard Law School—no one can deny the "Harvard" influence in the "Joint Memorandum" and the Petition for Rehearing; Honorable Stefan A. Riesenfeld, Professor of Law, University of Minnesota; Honorable William W. Bishop, Jr., Assistant to Legal Adviser, Department of State, and Don Felipe Sanchez Roman, Former Member of the Permanent Court of Arbitration at The Hague, member Spanish National Academy of Jurispru-

dence and Legislation, Legal adviser to Spanish and Mexican Governments and Professor of Civil Law at the Central University of Madrid. I dare say that no greater—no more talented—an array of men in the field of International Law could be assembled than was done by Attorney-General Daniel and, truly, he is to be congratulated. His prodigious and unrelenting efforts to win the iniquitious lawsuit instituted against Texas by Solicitor General Perlman, of the Justice Department of the United States Government, certainly are to be commended. Governor Daniel toured foreign countries seeking information on tidal lands or marginal seas, and such like. (I understand that funds for such journeys were either raised, or contributed, by Mr. John D. McCall, the distinguished bond attorney, for the Veteran's Land Board and the Brazos River Authority, of Dallas. I want to express my appreciation for Mr. McCall's interest in the matter. It was indeed a noble and altruistic gesture.) The Committee of the State Bar, composed of Honorable Robert Lee Bobbitt, Honorable Palmer Hutcheson and Honorable John D. McCall collaborated in the defense of the litigation, as well as in the drafting and enactment of the Submerged Lands Act and is due proper consideration for its efforts.

But, with this galaxy of experts, and some lawyers, the Petition for Rehearing, nevertheless, was denied.

Note that the California case, 332 U. S. 19, had already been disposed of, adversely to that State, in June 1947, on the specious theory of "paramount rights" in and to the three mile sea-belt of California.

Despite the utter lack of similarity between the claims of California and Texas, Governor Daniel, then Attorney-General of Texas, by special leave of the Court, argued the cause for the National Association of Attorneys General, as amicus curiae. Such argument has never been available to me and, just off-hand, I do not recall what the Court, speaking through Mr. Justice Black, said about it. The results would indicate that it was disregarded and, I hasten to add, wrongly so, in my opinion, if I am right in what I think our Attorney-General told the Court. The California suit was instituted under the administration of Honorable Tom Clark, then Attorney-General of the United States, now a member of the Supreme Court of the United States.

While it may be suggested that I am speaking from hindsight, nevertheless, I entertained the belief at the time that the Texas claim, if indeed it was, should not have been interjected into the California case because, as I have said, of the total dissimilarity of the issue involved.

The next thing was to gird on our armor for the battle to save our Tidelands in the suit filed against Texas, and this calls for a statement of the issue to be resolved.

But I digress to make an observation, and that is to say, that the Federal Government—The United States of America, has no right to own any lands that do not lie within the borders of a sovereign State of this Union, except the land embraced within the District of Columbia. This was ordained by the founding fathers.

At long last, I come to the issue in the United States v. Texas. The United States sued for the lands underlying the Gulf, lying seaward of the ordinary low-water mark of the Coast of Texas and outside of inland waters, extending seaward to the outer edge of the continental shelf and to require Texas to account for any moneys derived from the area. I presume the continental shelf is a defined and recognized geological formation—anyhow, it seems that everyone speaks of it as having such characteristics. (It may even be marked by a row of slot machines captured in Galveston and dumped in the Gulf, by the Attorney-General, last summer.) The State of Texas, through her then able and distinguished Attorney-General, Price Daniel, assisted by his no less able and distinguished Assistant Attorney-General, Honorable J. Chrys Dougherty, argued the case for Texas.

Aside from the jurisdictional questions interposed, which the Court apparently, summarily, overruled, the defense denied the far-fetched and specious theory of "paramount rights" of the United States, and rightly so, except as to control, improve and regulate navigation, under the Commerce clause of the Constitution, and denied that these powers included ownership or the right to develop or to authorize the taking and development of oil or other minerals in the disputed area without compensation to Texas, and, further, denied that any "paramount rights," or powers of the United

States, included the right to control or prevent Texas taking or developing or leasing these lands, minerals, etc., except when necessary in the exercise of the paramount federal powers, recognized by Texas, and when duly authorized by appropriate action of the Congress. It was admitted that Texas had leased some of the lands in the area and received royalties therefrom, but denied that the United States is entitled to any of them.

As a basic, affirmative defense, as differentiated from mere denials, Attorney General Daniel asserted and I quote:

"that as an independent nation, the Republic of Texas had open, adverse, and exclusive possession and exercised jurisdiction and control over the land, minerals, etc., underlying that part of the Gulf of Mexico within her borders established at three marine leagues from shore by her First Congress and acquiesced in by the United States and other major nations; that when Texas was annexed to the United States the claim and rights of Texas to this land, minerals, etc., were recognized and preserved in Texas; that Texas continued as a State, to hold open, adverse and exclusive possession, jurisdiction and control of these lands, minerals, etc., without dispute, challenge or objection by the United States; that the United States has recognized and acquiesced in the claim and these rights; that Texas under the doctrine of prescription has established such title, ownership and sovereign rights in the area as preclude the granting of the relief prayed." (339 U. S. 711)

Continuing:

"As a second affirmative defense Texas alleges that there was an agreement between the United States and the Republic of Texas that, upon annexation, Texas would not cede to the United States, but would retain, all of the lands, minerals, etc., underlying that part of the Gulf of Mexico within the original boundaries of the Republic." (339 U. S. 711)

And, further:

"as a third affirmative defense Texas asserts that the United States acknowledged and confirmed the three league boundary of Texas in the Gulf of Mexico as declared, established and maintained by the Republic of Texas and as retained by Texas under the annexation agreement." (339 U. S. 711)

Needless to say, I think these defenses were sound and I have no doubt of their able presentation. The only bad thing is the Court didn't go along and, thus, Texas lost the biggest case in its history.

Nowhere could the issues be more clearly drawn than was done by our Attorney-General, for whose support the taxpayers, private organizations and some patriotic citizens were appropriating and contributing hundreds of thousands of dollars. The stark fact remains, however, that Mr. Justice Douglas, a sometime guest of the Russian Embassy in Washington, speaking for the United States Supreme Court, denied and disallowed Texas' claim and granted the motion of the United States for judgment, to the great disappointment of us all, and to none, of course, more than Mr. Daniel.

Following the overruling of the motion for rehearing, and "Joint Memorandum," earlier mentioned, prepared and signed by so many experts in international law, Attorney General Daniel continued his crusade for the restoration of the Tidelands, of which Texas had been relieved through what was popularly known as "Judicial Theft." Actually, "tidelands," per se, is a misnomer, but everyone understands the use of the term in connection herewith.

What assurance have we that the present Supreme Court will not perpetuate this "Judicial Theft," if that it be, and I think it was, in the instant case? How could it have been avoided? Have we any more definite or better reason now to believe we will be treated differently when it is an admitted fact that there is much animosity in official Washington against the Southland? The atmosphere is tense—and is far from conducive to calm deliberation—with charges of "government by bayonet" and echoes of "reconstruction days" being hurled about.

That we, Mr. President and Members of the Senate, may be justified in the doubt that exists, I call your attention to the Governor's own feeling of doubt. He said, on last Wednesday that "A President who respects that obligation (to defend the boundaries as they existed at the time Texas entered the union) should see to it that his own Attorney General does likewise." But the suit was begun so, evidently, the President does not "respect that obligation" for the

Governor has committed $100,000 more of the taxpayers money in the "tidelands boundary controversy."

That is not all, Mr. President. There seems to be direct conflict between Mr. Eisenhower's statement and that of Governor Daniel, in which case I am hardly in position to choose sides. It appears that on November 7, 1957, the President addressed a communication to the Governor which contained this language: "the statements I have publicly made which bear upon this controversy (tidelands) will be presented to the (Supreme Court. . . ." (House Journal, November 20, 1957.)

Now, thirteen days later, Governor Daniel despite the "assurance" in the aforesaid letter, charged that "The Supreme Court of the United States will never know that the President wanted the integrity and agreements of this Nation respected and upheld in this lawsuit." (Governor's address.)

Too bad these two leaders—former cronies—now appear to definitely have come to the parting of the ways. I bow out of their controversy.

Let's take a little venture in retrospect, and I insist that I shall advert only to the record—which reminds me of the 1928 Presidential campaign of Governor Al Smith wherein he would say, "Let's look at the record." The "record" is a wonderful thing in some cases and in others it sometimes proves embarrassing. I am also reminded of an old aphorism that "scandal makes news; success, history."

Now the affirmative defenses, earlier mentioned—three in number—asserted by Texas, through her Attorney General, in 1950, emphasized the extent of the claim of Texas as including, (1) the lands "underlying that part of the Gulf of Mexico within her borders established at three marine leagues from shore by her First Congress," (2) the lands, minerals, etc. "underlying that part of the Gulf of Mexico within the original boundaries of the Republic" and, (3) the lands "within the three-league boundary of Texas in the Gulf of Mexico as declared, established and maintained by the Republic of Texas and as retained by Texas under the annexation agreement."

For the sake of brevity—and to this I am sure you will be happy to indulge me, Mr. President—I shall henceforth adopt the popular and "romantic" expression of "historic boundaries," to describe the claim of Texas to the tidelands, as set forth in such affirmative defenses.

Mr. Daniel was re-elected in 1950, as Attorney General, to an almost unprecedented third term, deservedly, either with no opposition or, at least, with little more than token opposition. Then, when all seemed lost, and with the retirement of Senator Connally, Mr. Daniel became a candidate, almost against his will, for the nomination for United States Senator in the Democrat primaries of 1952, with the avowed "campaign purpose" of securing Congressional action—the only remaining alternative—overruling and reversing the "Judicial Theft" opinion and judgment of the Supreme Court of the United States in the Texas case. I, along with the majority of the Democrats of Texas, supported him in the primary and, likewise, voted for him, as the Democrat nominee, in the general election following, despite his espousal of the candidacy of the Republican nominee for President. I was content to carry out my personal obligation to my party.

Well, it is history, that Mr. Daniel was elected and sworn in as the Junior United States Senator from Texas, at the convening of the 83rd Congress, First Session, in January, 1953. Fortunately for Texas, Senator Daniel was already well known in Washington official and political circles; his reputation as a profound lawyer preceded him to the U. S. Senate. Because of recognized ability and leadership he was immediately assigned, almost contrary to precedent, a key position and vantage point in and from which to spear-head the legislation to which he was passionately dedicated—namely, "the restoration of the Tidelands to the school children of Texas through Congressional action." Lots of able men theretofore, and since, elected to the United States Senate were, and have been, required to serve apprenticeships, so to speak, by assignments to minor committees, for a time, but that was waived in the case of Senator Daniel, doubtless, as a personal tribute to his ability.

Texas, as stated, under the leadership of former Governor Shivers, joined by Senator-to-be-Daniel, gave General Eisenhower her electoral vote in 1952 and, with his inauguration on

January 20, 1953, the complexion in Washington official circles changed. Mr. Herbert Brownell, Jr., the hotel and cafe lawyer from "little old New York" became the Attorney General of the United States, with the advice and consent of the Senate of the United States, of which Senator Daniel was a distinguished and important member.

The setting was never more perfect, the surroundings were never more favorable, and the eyes of millions of anxious and hopeful Texans, spear-headed by the Teachers Association, were centered in his leadership, with unquestioned devotion, for the securing of a definite quitclaim to the Texas Tidelands out to the three-league limit, because the "historic boundary" idea had been rejected by the Court in 1950.

It was under these auspicious and imposing circumstances that Senator Daniel "was co-author of the Submerged Lands Act, which restored to each of the States its submerged lands out to the boundary as it existed at the time such State became a member of the Union. . . . Every proponent and opponent of this bill in the United States Congress recognized the fact that the Texas boundary extended three leagues into the Gulf of Mexico and that the Submerged Lands Act would convey the property to that extent in the case of Texas."

I have just read from Governor Daniel's "historic" address of November 20, 1957 as printed in the House Journal of his Second Called Session, at page 57. If this were true, then why is there a new suit filed by the United States? What is to be gained by the United States Government in such suit if the Governor is correct? No, Mr. President, and Members of the Senate, I submit that the Submerged Lands Act does not provide, definitely and unequivocally, or establish the "three-league limit" for, had it done so, there could be no basis for a lawsuit now to determine such. Now, mark it, Governor Daniel has just told us that:

"Every proponent and opponent of this bill in the United States Congress recognized the fact that the Texas boundary extended three leagues into the Gulf of Mexico and that the Submerged Lands Act would convey the property to that extent in the case of Texas." With this recognition, the natural and smart thing to have done would have been to just write "three leagues" or "10½ miles" into the Act instead of inviting a lawsuit by the use of complicated and obscure language?

The Act, itself, is simply a jumble of words, legal jargon, insofar as definitely fixing the rights of Texas to the three-league limit. I challenge anyone to put his finger on the precise language of the Statute—Public Law 31, May 22, 1953, Volume 67, page 29, U. S. Statutes at Large—that fixes the three-league limit in clear and concise verbiage. The language employed, regrettably, indeed, —unintentionally or otherwise—simply invites litigation, when viewed with the envy and jealousy of some of the poorer, and less fortunate, states of the Union and, especially, in view of the dissension and sectionalism caused by the sociological, psychological, yea, political, decision in Brown v. Board of Education, lately supported by Federal bayonets, and "civil-wrongs" legislation of last summer.

Even Mr. Brownell, who was confirmed without the recorded objection of then Senator Daniel, proposed "that a map be made a part of the bill delineating the boundaries in accordance with the terms of the bill, and that is when he said the line should be three miles, except for Texas and the West Coast of Florida, where three leagues would apply." These are the exact words of Governor Daniel on last Wednesday. It is obvious that Senator Daniel was relying on promises and assurances of potential enemies—the weakness apparent in a government of men, as differentiated from a government of laws, in which latter government we believe.

I wasn't a witness, hence, must rely on Governor Daniel's statements for the assurances and promises of Mr. Brownell, but these are not the "law." The Senator should have recognized the danger signal since "coming events cast their shadows before."

This idea, interposed by that "friend of the South," Mr. Brownell, was rejected by Senator Daniel on the "guess" that the Senators from other States would have not voted for the bill, although the Governor has just told us that everybody "recog-

nized" the Texas claim of three leagues seaward from shore.

Additional statements, in the Governor's address, lead me to believe that his "guess," or conjecture, or "assumption of defeat" was not well-founded and, perhaps, comes as an after-thought. He had thirty-nine co-signers on the bill—only a few less than a majority. I now read further from his address to the Joint Session last week, at pages 57 and 58, as follows:

"During the debate on the Submerged Lands Act in 1953, two attempts were made on the Senate floor and one in the House to amend the bill so as to limit all coastal States to three miles. Each of these efforts was defeated"—now, get it "by a substantial vote after the three league boundary of Texas was explained to members of the Senate and the House." Looks to me like he had the votes, Mr. President, then is when it should have been made so plain that any man, even though a wayfarer or a fool, might not err therein. He should have struck for "10½ miles" or "three leagues" when the "iron was hot," if you please.

Mr. President, there never has been a failure without, first a try. I realize, only too well, that all "tries" are not successful, but there can be no success without, first a try, also. Robert the Bruce was encouraged in his conquests, from 1306-1329, by the *failures* of a legendary spider, to weave her web, before she finally succeeded. Edison, the greatest inventor of all times, made many failures before success crowned some of his efforts. Ty Cobb stole more bases than anyone else in baseball and, also, was called "out" more times; Babe Ruth "struck out" more times than any player, yet he hit more home-runs than any other player before or since. But history will never record whether Senator Daniel would have succeeded or failed to write a simple amendment. A sad commentary for posterity. Senator Daniel, so far as I know, offered no clarifying amendment—thus creating doubt by the language used in the Act. Admittedly, Brownell knew at the time, that the language of the bill was vague and indefinite and, according to the Governor, called it to the attention of Senator Daniel, which reminds me that we have had a statute in Texas since 1854 which provides that an "unintelligible law is not operative" and that a vague and indefinite statute cannot stand. I am sure Governor Daniel, as an able lawyer, was and is familiar with this statute, even though Morrison and Woodley, of the Court of Criminal Appeals, disregard it, with impunity—see *Rowland v. State*, decided November 6, 1957 (not yet reported).

Evidently, when he was writing, working and sponsoring the Submerged Lands Act, Senator Daniel just overlooked making the law plain and definite, as the result of which we now have a "tidelands boundary controversy" on our hands, before a not-too-friendly Court. The Governor said the present suit "is like a friendly game of Russian Roulette. Nobody knows what might happen."

Now, Mr. President, and Members of the Senate, I have offered amendments, on numerous occasions, designed to clarify language of pending measures, a goodly number of which were acceptable to the sponsors of bills and, subsequently, adopted.

Had I been in Senator Daniel's shoes, in 1953, with the great influence and full support of a most popular President, at the time, behind me, and, fresh from the people, dedicated to a single issue, I would have offered an amendment designed to spell out, in no uncertain terms, that Texas' ownership of submerged lands extended "10½ miles" or "three marine leagues," seaward and eliminate the uncertain, equivocating language "to the boundary line as it existed at the time such state became a member of the union," which now requires the taking of testimony, popularly referred to as "historic boundary," which had been rejected by the Court in 1950, which decision the bill was proposing to reverse, to show my good faith in trying to carry out the mandate of my election and the public assurances of Candidate Eisenhower.

Did Senator Daniel do this? If so, the record is silent. Does the Act anywhere clearly define Texas' rights as extending "10½ miles" or "three leagues" seaward, or gulfward, as the case may be? You know that it does not. Whose fault is that? Thus, I charge he missed the golden opportunity to substitute definite and concise language for wishful thinking and conjecture. Was he lulled into a sense of false security by the siren song and sinister front of Brownell, while the school children of Texas received the "stab-in-the-back" of

vagueness and garbled phraseology? That opportunity is gone; quoth the Raven, "Nevermore."

I voice no criticism of President Eisenhower, Mr. President. His public statements seem to be all in our favor, but either he appears to be unable to control or direct his Attorney General or is he silently assenting to the new litigation? It is difficult to think this, but he emphatically stated he would not use troops in integration matters, as I recall, Mr. President.

I join in the lament, but only briefly, for I realize we must rally once again "to defend our homeland-tidelands." I have never hesitated, along with many of you, to vote the funds requested by then Attorney General Daniel, former Land Commissioner Giles and former Governors Jester and Shivers, for the defense and retention of our Tidelands. But we didn't expect the "play to be muffed" or "the ball to be fumbled." (I have recently attended my first University football game and picked this up.) We relied on experts. Were we wrong? If so, correct me in my interpretation of the matter. Not only do we stand to lose the potential and future income from the area in question, but we are being called upon to pay back, or over, to the United State Government some $26,700,000 now deposited in the Permanent School Fund of Texas.

Don't overlook the fact that the Government originally sued for an accounting of the money Texas had received up to the 1950 case. At that time, apparently, there had been little income and the matter seems not to have been pressed. Frankly, I do not recall just what disposition was made of these funds, if any, although I do know the United States obtained a judgment against Texas in that suit.

The present accumulation results from the fact that the Interior Department has acquiesced, at least, up to the present, in the "intent" of the Submerged Lands Act and has not leased any land within the three-league limit, which has been done by the State of Texas—and, it is hoped that this will be persuasive in the pending lawsuit, all of which could have been so easily avoided, had the sponsor of the bill so provided for it therein. It appears now, however, that we have come to the parting of the ways with Uncle Sam.

Mr. President, I am a little hazy on another matter in connection with the Tidelands controversy and, perhaps there are others who recall the facts more accurately. I seem to recall, however, that back in the spring of 1949, when the controversy was a burning issue, that the then Lieutenant Governor (Allan Shivers), on his own time and expense, spent considerable time in Washington endeavoring to effect a compromise of the tidelands issue, and this was before suit had been actually filed. My recollection is that in company with Senator Johnson and Speaker Rayburn—that's when they were all friends—an agreement was reached with President Truman on the matter. I may not have the exact terms, but I think it was reported that such agreement, among these parties, at least, would have given Texas a 62½% interest in the first three geographical miles seaward and 37½% beyond such three-mile limit and out to the continental shelf—some 50 or 60 miles seaward, apparently adopting the terms of the Federal Mineral Leasing Act of 1920, whereas, now we only get 12½% royalty for the first three miles, with the next 7½ miles in doubt and, of course, nothing beyond. Such compromise was to have been incorporated into a bill, with President Truman's blessing, as it would have had to be done to make it binding. I vaguely recall the violent and bitter opposition of then Attorney General Daniel and then Land Commissioner Bascom Giles, both of whom were, at that time, potential gubernatorial candidates, to this proposal, as the result of which the matter was dropped.

Of course, it is hindsight, in a way, although an experienced and successful lawyer, the late Judge James Cornell of San Angelo, for whom I worked, once told me that, generally speaking, "a bad compromise is often better than a good lawsuit." So many things can happen, as older and experienced lawyers well know, in and to a lawsuit. Only the inexperienced are wont to disbelieve this. I recall that I leaned toward the compromise idea because I didn't trust the Supreme Court of the United States at the time to do the right thing by Texas and there is even less reason for my trust at the present time, but it was not popular, and I had no factual basis to support it, so I chose the better part of "political valor" and said nothing.

I am told today, however, that oil

people agree and concede that most of the wealth is situated far beyond even the three-league limit, much less the three-mile limit, and that there would be a potential of over $250,000,000, speaking conservatively, for the school children of Texas from the area beyond the three-league limit and extending to the continental shelf.

I have talked longer than I intended, Mr. President, but the issue looms large.

I desire to make a recapitulation from the record of events that have transpired.

The affirmative defenses interposed by Attorney-Governor Daniel to the effect that Texas owned, and was entitled to retain, all the lands, minerals, etc. within the original boundaries of the Republic extending three leagues seaward from the coast, popularly referred to as our "historic boundary," for brevity, were rejected by the Supreme Court, as aforesaid, in the Texas case, 339 U. S. 707.

The Submerged Lands Act of 1953 does not definitely fix the boundaries of Texas at the three-league limit, which then would have been determined to be our "historic boundary," had it so done.

There is no question as to the constitutionality of the Act, as decided in the cases of U. S. vs. Alabama and U. S. vs. Rhode Island, only the construction or meaning of the language of the Act is in doubt in the suit now pending.

The vagueness of the language used in the Act and the failure to explicitly define the area and fix the limit at "three leagues" or "10½ miles," has led to the present lawsuit.

The possibility of the Court reversing itself is very remote, upon the identical issue presented in the affirmative defenses interposed by Attorney General Daniel in 1950 and rejected by the Court.

Attorney General Wilson is reported to have said, in a television appearance following Governor Daniel's "historic" address, that the language of the Submerged Lands Act would require the taking of "a great deal of testimony" to determine "the boundary line of each such state where in any case such boundary as it existed at the time such state became a member of the Union."

I ask you, Mr. President, if the Act had only just provided that "Texas owned the lands embraced in the area and that her boundary extended 10½ miles seaward or gulfward from her coast line" would there have been any necessity for expending another $100,000 in taking "a great deal of testimony?" All that would have been necessary had it so done, would be to measure 10½ miles—three leagues—seaward, drive an iron stake and flag and come back to shore. But we have a fight on our hands now that we don't deserve and which simple and clear language would have avoided. Is that not correct?

Who, therefore, must assume, or at least share, the major responsibility of this grievous and costly blunder or slip-up?

The people of Texas are entitled to a clear statement on this point. Accusations, absent the facts, will not suffice to satisfy thinking people and the people are often much better informed than some so-called leaders think.

The Resolution provides that "legislation specifically designed to restore the Texas title out to the three marine league boundary of the Republic of Texas at the time it became a State was passed, signed by the President, and became the law in the Submerged Lands Act of 1953." I submit that it does not do so else we would not be in this lawsuit. The failure to so provide will entail the expenditure of an untold amount of money, the first estimate of the Governor being $100,000 to hire "experts in international law" when we had the services of no less than eleven such top-hands, in this field, in the lawsuit before the Submerged Lands Act.

The taxpayers are being called upon for an additional $100,000 to employ "experts in International Law" to assist in this new tidelands "controversy." Will such sum be sufficient? Three hundred thousand tax dollars were spent on "experts," and for other expenses, in losing the case before the Supreme Court in 1950 when the Court adopted the "equal footing" theory of admission of a state. The Court held that:

"When Texas came into the Union she ceased to be an independent nation. She then became a sister State on an 'equal footing' with all the other states. That act concededly entailed a relinquishment of some of her sovereignty. . . We held that as an incident to the transfer of that sovereignty any c l a i m that Texas may have to the marginal sea was re-

linquished to the United States." How, therefore, was the ruling changed by the Submerged Lands Act of 1953? The Court had the "historic boundary" question directly before it just as presented by the Act.

I insist that the expenditure of these additional thousands of tax dollars might better be spent in "lobbying" a bill through the Congress amending the vague, inept and, once rejected (U. S. v. Texas, 339 U. S. 707) theory that Texas' claim extends "to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union" and simply providing for and establishing the boundary of Texas "at three marine leagues from the shore," as the Attorney General asserted, and tried to sustain, in the case of United States v. Texas, which, incidentally, he lost.

The Legislative History of the Submerged Lands Bill appears in "U. S. Code, Congressional and Administrative News" Vol. 2, 83rd Congress, 1st Session 1953, pages 1385-1640, and reflects that some 40 bills were introduced relating to the submerged lands matter. It also discloses that Senator Daniel was joined by 39 other Senators in sponsoring the Act, ostensibly designed to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries, etc.—just a few votes—only nine—short of a clear majority in the United States Senate—many of whom were from the Northern and Midwestern States, as well as coastal states. But not one effort appears to have been made by anyone—mark it, not a soul—to write the words and figures "10½ miles" or "three marine leagues" into the measure. Everybody talked about it, and "recognized" it, but no action was taken to nail it down. Why, Mr. President? Governor Daniel, in his letter of November 26, copies of which are in your hands, recognized the necessity of committing "the sum of $100,000 for the employment of experts in international law and other expenses in connection with the tidelands boundary controversy." This is the Governor's appraisal of the matter, namely, "the tidelands boundary controversy," occasioned by the dismal and costly failure to spell out "the tidelands boundary" in definite words and figures, thereby precluding the "controversy." Do you follow me, Mr. President? This is not my appraisal. It is the Governor's latest recognition of the inept language used in the Submerged Lands Act of 1953.

This reminds me of the comments of now Senator Yarbrough when, speaking of the Submerged Land Bill, he charged that it was "weasel-worded" and "ineptly drawn." Governor Daniel replied from his home in Liberty that he was "shocked" at such allusion. He, likely, will be "shocked" at my remarks. Well, all I can say is that he has a pretty low "shocking point" because the language is controversial and dubious.

It is interesting to observe that a good many taxpayers are "shocked" that their business wasn't better handled when the opportunity was at hand.

May I say in conclusion, Mr. President, that I only hope that we may prevail in the pending suit but I am far from optimistic as is, apparently the position of Governor Daniel as he says "Any lawsuit is serious business when you have the United States government thrown against you in the Supreme Court of the United States." (Governor's "historic address"). With such a dismal view expressed by a man who knows, how then can the less-informed, such as myself, be expected to feel encouraged by the situation which arose from doubt?

I hold only regret—such as I know the Governor must share in retrospect.

I thank you, Mr. President, and the Senate for your time.

I offer the amendment earlier mentioned and move its adoption.

The amendment was then offered by Senator Hardeman to H. C. R. No. 15 and was adopted as recorded on Page 85.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 30, An Act to amend Chapter 478, Acts of the Fifty-fifth Legislature, Regular Session, 1957, by authorizing the Board of State Hospitals and Special Schools to accept other lands in Cherokee County in exchange for certain lands it now owns; and declaring an emergency.

H. B. No. 33, An Act amending Article 6221, Revised Civil Statutes of Texas, 1925, as amended, relating to the payment of pensions to Confederate Veterans; and declaring an emergency.

H. C. R. No. 19, Conveying best wishes to Mr. Ed Felder.

H. B. No. 12, A bill to be entitled "An Act to amend Section 1 of Chapter 51 of the General and Special Laws of the Fiftieth Legislature of Texas, Regular Session, 1947, so as to provide an open season for hunting, taking, and killing quail in Rains County, Texas, and to fix the days on which such hunting is permitted; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 16, A bill to be entitled "An Act to authorize and require the appointment of an official shorthand reporter of the 84th Judicial District of Texas; fixing maximum and minimum salary to be paid in addition to compensation for transcripts, statement of facts and other fees; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause and declaring an emergency."

H. B. No. 18, A bill to be entitled "An Act amending Chapter 385, Acts of the Fifty-fifth Legislature of Texas, Regular Session, 1957, Item 46 of the biennial appropriation for the Department of Agriculture by adding the words 'or pest' immediately after the word 'insect' that appears in Item 46; and declaring an emergency."

H. C. R. No. 15, Concerning the Tidelands of Texas. Petitioning President Eisenhower not to take any position against Texas which would challenge the validity of our historic three league boundary or our rights to the submerged lands and resources within its limits.

H. B. No. 25, A bill to be entitled "An Act authorizing the Game and Fish Commission to transfer and convey certain land in Eastland County to the City of Cisco, Texas; providing for a reversion in certain cases; and declaring an emergency."

H. C. R. No. 5, Petitioning the United States Congress to call a National Convention for the purpose of drafting an amendment to the United States Constitution.

H. B. No. 26, A bill to be entitled "An Act amending Chapter 385, Acts of the 55th Legislature, Regular Session, 1957, so as to re-allocate the existing appropriation for the Veterans' Affairs Commission for the fiscal years ending August 31, 1958 and August 31, 1959; and declaring an emergency and providing an effective date."

H. C. R. No. 21, Requesting Texas Commission on Higher Education to make a study for State fellowship.

H. C. R. No. 22, Creating and appointment of a Parks Committee in Wichita Falls area.

Motion to Suspend Senate Rule 38

Senator Lane moved to suspend Senate Rule 38 relating to printed bills on the desks of Members for twenty-four hours.

The motion to suspend the rule was lost by the following vote:

Yeas—17

Aikin	Moffett
Bracewell	Parkhouse
Colson	Phillips
Hardeman	Ratliff
Hazlewood	Roberts
Krueger	Rogers
Lane	Weinert
Lock	Wood
Martin	

Nays—9

Ashley	Kazen
Bradshaw	Reagan
Fuller	Secrest
Gonzalez	Willis
Hudson	

Absent

Fly	Moore

Absent—Excused

Herring	Smith
Owen	

Senate Resolution 50

Senator Aikin by unanimous consent offered the following resolution:

Whereas, Mrs. Martha Turner is to celebrate her birthday December 4th; and

Whereas, Mrs. Turner is an efficient officer of the Senate and a wonderful

person, always affable and congenial; and

Whereas, She commands the respect and admiration of all the Members of the Senate; and

Whereas, The Senate is desirous of extending hearty congratulations to Mrs. Turner; now, therefore, be it

Resolved, By the Senate of Texas, that Mrs. Turner be extended hearty congratulations; and be it further

Resolved, That we wish her many happy returns and many more birthdays.

AIKIN
HARDEMAN

Signed—Ben Ramsey, Lieutenant Governor; Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Kazen and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Concurrent Resolution 15

Senator Lock by unanimous consent offered the following resolution:

S. C. R. No. 15, Granting Moore Brothers Construction Company permission to sue the State of Texas.

Whereas, Moore Brothers Construction Company is a Texas corporation doing business in the State of Texas in accordance with the laws of the State of Texas; and

Whereas, Said Moore Brothers Construction Company has heretofore entered into a contract with the State of Texas for the construction of certain highway improvements in Walker County, Texas, same being Walker County project No. S 2131(1), which said contract was signed by the State Highway Engineer, approved by the State Highway Commission of the State and signed by Moore Brothers Construction Company, as the contracting party, in accordance with the laws of the State of Texas; and

Whereas, On September 27, 1957, said Moore Brothers Construction Company filed an itemized statement with the State Highway Commission of the State of Texas, setting out its claim against the State of Texas and the State Highway Department of the State of Texas in the sum of Ten Thousand, Seventy-six Dollars and Forty-six Cents ($10,076.46) for damages caused to or sustained by said Moore Brothers Construction Company as the result of delay by the State Highway Department of the State of Texas in improperly providing facilities for the said Moore Brothers Construction Company to carry out its contract with the State of Texas, and the said Moore Brothers Construction Company desires to sue the State of Texas and the State Highway Department of the State of Texas for damages resulting therefrom; now, therefore, be it

Resolved, By the Senate of the State of Texas and the House of Representatives concurring, that Moore Brothers Construction Company be, and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for all damages which it may have sustained as the result of the delay in improperly providing facilities for the Moore Brothers Construction Company to carry out its said contract with the State of Texas; and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General and the Chairman of the State Highway Commission of the State of Texas; and be it further

Resolved, That such suit may be filed within two (2) years from the execution date of this resolution; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to the aforesaid Moore Brothers Construction Company to bring suit against the State of Texas and/or the State Highway Department, and no admission of liability of the State or of any fact is made in any way by the passage of this resolution, and it is specifically provided that the facts upon which they seek to recover must be proved in court as in other civil cases.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 16

Senator Wood by unanimous consent offered the following resolution:

S. C. R. No. 16, Memorializing the President of the United States and the National Congress and State Officials relative to use and discriminatory practices of Texas crude oil instead of imports.

Whereas, Under the conservation statutes of the State of Texas, the Railroad Commission is authorized to fix the market demand for Texas crude oil after hearing and consideration of all evidence and witnesses at such hearing; and

Whereas, The Railroad Commission of Texas is required by the laws of this State to promote sound conservation practices and to prevent waste of irreplaceable natural resources; and

Whereas, The Commission, in fixing such allowables employs a competent and efficient staff trained to evaluate all factors influencing market demand; and

Whereas, The Railroad Commission of Texas, by virtue of the knowledge and experience of the members of the Commission, is uniquely qualified to establish a realistic market demand in this State; and

Whereas, The Railroad Commission of Texas, faced with the present large stock of crude petroleum and products, resulting from excessive imports of foreign oil, has repeatedly established a realistic Texas allowable; and

Whereas, Increasingly large percentages of gasoline and other oil products sold in Texas are made from oil produced abroad which pays no state or local taxes contrasted with oil produced in this State which contributes materially to the economy of our State government and its people; and

Whereas, Some major importing companies have refused to accept the full allowable of oil produced by wells connected to their pipelines, instituting pipeline proration, establishing their own system of market demand, thus overruling the Railroad Commission of Texas, and promoting waste, drainage and loss of correlative rights; and

Whereas, Some major importing companies have refused to accept trucked oil or have sold gathering systems and refused to accept oil from such gathering systems after their sale, thus discriminating against individual producers and royalty owners, contributing to waste, drainage and loss of correlative rights; and

Whereas, The adoption of these discriminatory practices by major importing companies have operated to immeasurably harm the economy of this State and its citizens, increasing unemployment and reducing state revenue by over $1,775,000 per month; and

Whereas, Over one million Texans, who are oil workers and their families, derive their living directly from the Texas oil industry, and other millions of citizens receive indirect income from the industry; and

Whereas, Loss of their market by many independent producers and royalty owners has forced their withdrawal from the oil industry by distress sales of their properties; and

Whereas, The increasing number of independent producers being driven out of business or absorbed by the major importing companies promotes monopoly and operates in restraint of trade; and

Whereas, The failure of major importing companies to extend and enlarge their oil transportation system in Texas limits the amount of oil which may be transported, thus endangering the national security; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring: That the discriminatory practices of the major importing companies above set out be condemned by this Legislature and the citizens of this State, that such companies be urged to take immediate steps to end such discrimination and to cooperate in enlarging and expanding the use of available Texas crude oil production to assist in the national defense and security, and that the Attorney General of the State of Texas be directed to undertake a study to determine any appropriate action under our Texas conservation and antitrust laws; and, be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the President of the United States, Texas members of the National Congress, the Governor,

the Railroad Commission of Texas, and the Attorney General of Texas.

WOOD
AIKIN
LANE
KRUEGER
GONZALEZ
MOORE
WILLIS
ROGERS
FLY
HAZLEWOOD

The resolution was read.

On motion of Senator Wood and by unanimous consent the resolution was considered immediately and was adopted.

Report of Standing Committee

Senator Weinert by unanimous consent submitted the following report:

Austin, Texas,
December 2, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 15, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senate Concurrent Resolution 15 Ordered Not Printed

On motion of Senator Lock and by unanimous consent S. C. R. No. 15 was ordered not printed.

Senate Concurrent Resolution 15 on Second Reading

On motion of Senator Lock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S. C. R. No. 15, Granting Moore Brothers Construction Company permission to sue the State of Texas.

The resolution was read and was adopted by the following vote:

Yeas—27

Aikin	Bracewell
Ashley	Bradshaw
Colson	Moffett
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Weinert
Lane	Willis
Lock	Wood
Martin	

Absent

Moore

Absent—Excused

Herring	Smith
Owen	

Recess

Senator Martin moved that the Senate stand recessed until 2:00 o'clock p.m. tomorrow.

Senator Kazen moved that the Senate stand adjourned until 2:00 o'clock p.m. tomorrow.

Senator Phillips moved that the Senate stand recessed until 10:00 o'clock a.m. tomorrow.

Senator Lane moved that the Senate stand recessed until 2:10 o'clock p.m. tomorrow.

Question first on the motion to recess until 2:10 o'clock p.m. tomorrow. The motion prevailed by the following vote:

Yeas—14

Aikin	Lane
Bracewell	Lock
Colson	Martin
Fly	Moffett
Hardeman	Parkhouse
Hazlewood	Ratliff
Krueger	Roberts

Nays—11

Ashley	Phillips
Bradshaw	Reagan
Fuller	Secrest
Gonzalez	Weinert
Hudson	Willis
Kazen	

Absent

Moore	Wood
Rogers	

Absent—Excused

Herring	Smith
Owen	

Accordingly, the Senate at 3:23 o'clock p.m. took recess until 2:10 o'clock p.m. tomorrow.

After Recess

SEVENTH DAY
(Continued)

(Tuesday, December 3, 1957)

The Senate met at 2:10 o'clock p.m., and was called to order by the President.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 26, Wishing a speedy and complete recovery to Dwight D. Eisenhower, President of the United States.

House Bill 5 on Second Reading

The President laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 5, An Act to provide for the maintenance of law, peace and order in the operation of the public schools without the use of military forces by requiring certain organizations to file certain information under oath in the County Clerk's Office upon the request of the County Judge; providing a penalty for violations; declaring provisions of the Act severable; and declaring an emergency."

The bill was read second time.

Senator Moffett moved the previous question on the passage of H. B. No. 5 to third reading and the motion was duly seconded.

The previous question was ordered by the following vote:

Yeas—14

Aikin	Hardeman
Bracewell	Krueger
Colson	Lane
Fly	Lock
Martin	Ratliff
Moffett	Roberts
Parkhouse	Weinert

Nays—10

Ashley	Phillips
Fuller	Reagan
Gonzalez	Rogers
Hudson	Secrest
Kazen	Willis

Present—Not Voting

Wood

Absent

Hazlewood	Moore

Absent—Excused

Herring	Owen

Pairs Recorded

Senator Bradshaw (present), who would vote "Nay."
Senator Smith (absent), who would vote "Yea."

Question on passage of H. B. No. 5 to third reading, yeas and nays were demanded.

H. B. No. 5 was then passed to third reading by the following vote:

Yeas—12

Aikin	Moffett
Colson	Parkhouse
Krueger	Phillips
Lane	Ratliff
Lock	Roberts
Martin	Wood

Nays—11

Ashley	Kazen
Fly	Reagan
Fuller	Secrest
Gonzalez	Weinert
Hardeman	Willis
Hudson	

Absent

Moore

Absent—Excused

Herring

Pairs Recorded

Senator Rogers (present), who would vote "Yea."
Senator Owen (absent), who would vote "Nay."